

# Public Notice

U.S. Army Corps of Engineers, Norfolk District

CENAO-REG  
NAO-2006-8396

January 31, 2007

## JOINT FEDERAL/STATE PUBLIC NOTICE

The District Engineer has received a prospectus to establish an umbrella compensatory stream mitigation bank for Federal and State permits as described below:

### BANK SPONSORS

Little Piney Run Estates LLC  
Attn: Mr. Joe Bane  
PO Box 3126  
Leesburg, VA 20177

Mr. Peter Daley  
15614 Daley Farm Lane  
Purcellville, VA 20132

WATERWAY AND LOCATION OF THE PROPOSED WORK: The proposed mitigation bank is located on streams and riparian areas in Loudoun County, Virginia. The work will occur in Piney Run and the North Fork of Catoctin Creek and other tributaries to the Potomac River.

PROPOSED WORK AND PURPOSE: The bank sponsors propose to sponsor and establish an umbrella compensatory stream mitigation banking agreement. The first two site specific development plans will encompass approximately 25,279 linear feet of streams on 250 acres. A copy of the prospectus is enclosed.

The bank will be established to provide mitigation to compensate for impacts to streams within the specified service area. The proposed service area is Hydrologic Unit Codes 02070007, 02070008 and 02070010, which includes Loudoun County and portions of Frederick, Clark, Warren, Fauquier, Fairfax, Arlington and Prince William Counties.

AUTHORITY: Permits may be required pursuant to Sections 401 and 404 of the Clean Water Act (Public Law 95-217), and Title 62.1 of the Code of Virginia. This Public Notice is recommended pursuant to Federal Guidance for the Establishment, Use and Operation of Mitigation Banks (60 Federal Register Number 228).

COMMENT PERIOD: Comments should be made in writing to Mr. Ron Stouffer at U.S. Army Corps of Engineers – Norfolk District, Northern Virginia Field Office, 18139 Triangle Plaza, Suite 213, Dumfries, VA 22026, and should arrive by the close of business on **February 28, 2007**.

FOR THE DISTRICT COMMANDER:

Michael A. Schwinn  
Acting Chief, Northern Virginia  
Regulatory Section

## **PROSPECTUS**

Umbrella Mitigation Bank  
Loudoun County, Virginia

Prepared for:

Little Piney Run Estates, L.L.C.  
Attn: Mr. Joe Bane  
P.O. Box 3126  
Leesburg, Virginia 20177

And

Mr. Peter Daley  
15614 Daley Farm Lane  
Purcellville, Virginia 20132

Prepared by:

Williamsburg Environmental Group, Inc.  
7501 Boulders View Drive, Suite 205  
Richmond, Virginia 23225  
Telephone: (804) 267-3474  
Fax: (804) 267-3470

December 2006

## **1.0 - Introduction:**

Little Piney Run Estates, L.L.C. and Mr. Peter Daley ("the Sponsors") propose to sponsor and establish the Loudoun County Umbrella Mitigation Bank (LCUMB) in Loudoun County, Virginia to provide effective compensation, either off-site or on-site, for unavoidable wetland and environmental impacts resulting from development projects within the proposed bank's primary Geographic Service Area (GSA). Situated in the Mountain Region in Northern Virginia, Loudoun County covers a 517-sq mi area bordered by the Blue Ridge Mountains to the west and the Potomac River to the north (Figure 1). Thus, the primary Geographic Service Area (GSA) will include the Hydrologic Unit Code (HUC) from the Potomac River watershed. Specific HUCs within the primary GSA are discussed in Section 9.0.

The goals of the LCUMB are to (1) protect existing natural resources within western Loudoun County; (2) enhance impaired or altered natural resources including wetland and stream channels; and (3) provide wetland and stream compensation credits for environmental impacts within the GSA.

## **2.0 - Umbrella Mitigation Banking Instrument (LCUMBI):**

The Sponsors propose an Umbrella Mitigation Bank (UMB) to allow for expansion and inclusion of additional mitigation areas in Loudoun County within the Potomac River Drainage Basin. The banking instrument and the development and operation of the bank will be in accordance with the Code of VA Sect. 33.1-223.2.1 Wetland Banking and the "Federal Guidance for the Establishment, Use and Operation of Mitigation Banks", published in Volume 60, Number 228 of the Federal Register, November 28, 1995, referred to hereafter as Federal Banking Guidance.

The Sponsors propose to restore, enhance, create, and/or preserve riparian systems, streams and wetlands for the purpose of generating compensation credits. In association with the restoration actions, there may be site-specific potential for restoration, enhancement, or preservation of environmentally sensitive vegetation or wildlife; this may include the potential reintroduction of native aquatic species that have declined or been eliminated as a result of degradation in habitat and water quality. Additional compensation credits for these activities may be requested from the Mitigation Banking Review Team (MBRT) on a site by site basis. In addition, water quality enhancement projects, such as Low Impact Development (LID) techniques, Best Management Practice (BMP) upgrades and Integrated Management Practice (IMP) measures, may be proposed individually or in concert with restoration projects for which additional compensation credits would be requested from the MBRT. Once implemented, the Sponsors will provide for the long-term preservation and management of the project areas included in the LCUMB.

The LCUMB will be used primarily for compensatory mitigation for unavoidable impacts to waters of the United States, including wetlands and streams in Loudoun County and other geographic areas within the primary GSA. The impacts available for compensation shall be resultant from activities authorized under Sections 404 and 401 of the Clean Water Act, and/or Section 10 of the Rivers and Harbors Act and the Virginia Water Control Law.

The Sponsors acknowledge that wetland and stream mitigation sequencing as indicated in the Virginia Administrative Code under 9VAC25-210-115, Evaluation of Mitigation Alternatives, and EPA's Section 404 (b) (1) Guidelines shall be utilized by any applicant to the bank (i.e. avoidance, minimization and restoration) to the maximum extent practical in its planning, design and construction programs.

### **3.0 - Individual Site Development Plans:**

The Umbrella Mitigation Banking Instrument will be designed to provide the basic framework for the Sponsor's mitigation bank. A site-specific Site Development Plan (SDP) will be submitted to the MBRT for review and approval for each Bank Site proposed as part of the LCUMB.

A SDP will be developed and sponsored by the Sponsors for each individual mitigation Bank Site. The SDP will include the following:

- Site location maps
- Goals and objectives of the site
- Land use plans for the property
- Proposed geographic service area for the Bank Site
- Credit composition
- Site protection mechanism
- Banking master plan
- Bank phasing plans
- Size (acres and/or linear footage) of wetlands, streams, or other aquatic resources proposed for inclusion at the site
- Hydrologic analysis and performance models
- Historic Resources Investigation (where applicable)
- Mitigation design plans
- Preliminary specifications and construction methodologies for the project development
- Bank success criteria
- Maintenance and monitoring plan
- Financial assurances

The MBRT will review and comment on all submittals within 60 days of receipt of such submittal.

In the event the SDP is not approved, the MBRT will provide the Sponsors with specific reasons or rationale for not approving the submittal. Subsequently, the Sponsors may resubmit a revised SDP with specific modification or justification that addresses the MBRT concerns. In the event of approval, the SDP for the Bank Site will be attached as an Addendum to the LCUMBI, and the Bank Site will be deemed a portion of the LCUMB. Credits will be released consistent with the schedule of credit availability negotiated in the SDP. Due to fluctuations in credit demand, an approved Bank Site or an approved phase of a Bank Site may be left undeveloped if no pre-sale or other credits have been debited from the site. The Sponsors may elect to delay or forego the construction of a proposed phase if there will be a negative impact on prior-constructed phases of the Bank Site. The Sponsors must provide written notice to the MBRT when proposing to withdraw from the LCUMB either entire Bank Sites or approved phases of Bank Sites from which credits have not been debited. Such a withdrawal must be approved by the MBRT.

In developing the SDP for a proposed Bank Site, the Sponsors will provide the information described in the following sections.

### **4.0 - Project Description:**

The SDP for each Bank Site proposed for inclusion in the LCUMB will include a description of project

location, waterway/watershed, and goals and objectives. The focus of the LCUMB, and thus each Bank Site, will be compensation for impacts to jurisdictional Waters and Wetlands of the United States. The goals and objectives of each SDP will be to restore important ecological functions and related habitat values of wetland and stream systems, riparian areas, and other aquatic resources. Improved water quality within the drainage basin will be brought about by the preservation, enhancement, restoration and creation of wetlands, streams and forest buffers as well as other water quality enhancement methods, such as LID techniques, BMP upgrades and IMP measures.

### **5.0 - Baseline Conditions:**

A SDP will include a description of existing conditions relevant to the development of the proposed Bank Site and the stated goals and objectives of the project. The physical setting of the Bank Site, such as the geomorphology, land use/land cover, hydrology, soils and vegetation, will be described, along with watershed size and characteristics. A description of baseline conditions will include an accounting of the type and extent of degraded ecological systems, such as the total acreage of various types of restorable wetlands, buffers and ecologically significant areas, or linear feet of stream reaches by stream type. Projects seeking water quality improvement credits through the implementation of LID techniques, BMP upgrades and IMP measures will describe the acreage of the proposed features and the watershed area to be treated. Projects seeking sensitive vegetation or aquatic species preservation, enhancement or reintroduction credits shall provide corroborating evidence including, where applicable, aquatic species studies, Department of Game and Inland Fisheries (DGIF) Database search for threatened and endangered species with follow-up site investigation, water quality testing, or EPA Rapid Bioassessment Protocol (RBP). Additional data or research may be requested, on a site by site basis, by the MBRT prior to project review.

### **6.0 - Location and Ownership of Parcels:**

Under this proposal, the Sponsors will record a restrictive covenant or easement for each Bank Site added to the Umbrella Mitigation Bank by amendment. This covenant or easement may also be transferable to a bona fide conservation organization upon fulfillment of project objectives with Bank Site ownership remaining with the titled owner. The covenant or easement used to protect a mitigation Bank Site must be reviewed and approved by the LCUMBI agencies.

### **7.0 - Establishment of Credits:**

The calculation of credits generated from individual Bank Sites will be established within the SDP for each individual Bank Site and approved by the MBRT. Each SDP will describe the types of mitigation activities (e.g., creation, restoration, enhancement, preservation, LID techniques, BMP upgrades, IMP measures, vegetation and aquatic species preservation or enhancement, aquatic species reintroduction) to be performed accompanied by the respective credit ratios approved by the MBRT. The mitigation types, respective credit ratios and the form of the credits will be in accordance with current guidance published by the Corps and DEQ.

### **8.0 - Disclaimer:**

The LCUMBI will not in any manner supersede or alter the statutory authorities and responsibilities, regulations, policies, and guidance of the signatory agencies or any other agency.

## **9.0 - Geographic Service Area:**

The proposed GSA for the LCUMB shall be consistent with Section 62.1-44.15:5(B) of the Code of Virginia and in accordance with the Federal Banking Guidance. The GSA is defined as a designated area wherein the Bank can reasonably be expected to provide appropriate compensation for stream and wetland impacts within the same hydrologic cataloging unit ("Hydrologic Unit Map of the United States," USGS, 1980), or in an adjacent cataloging unit. For the purpose of this document, the proposed Bank Service Area includes the primary hydrologic unit 02070008 and the following adjoining hydrologic units: 02070007 and 02070010. This area includes all or portions of Frederick County, Warren County, Clarke County, Loudoun County, Fauquier County, Prince William County, Fairfax County, City of Manassas, City of Alexandria, and the City of Arlington in Virginia. The area also includes Washington D.C., and portions of Montgomery County and Prince George County in Maryland.

Individual Bank Sites proposed as addenda to the Mitigation Banking Instrument will be designated as within the Potomac River watersheds of the primary GSA. Use of a Bank Site to compensate for impacts beyond the primary GSA may also be considered by the MBRT on a case-by-case basis. A specific geographic service area will be designated for each Bank Site. A separate credit ledger will be maintained for each Bank Site.

## **10.0 - Sponsor's Obligations:**

The Sponsors agree to perform all necessary work, in accordance with the provisions of the LCUMBI and approved Site Development Plans, to establish and/or maintain the Bank Sites, until (1) credits have been exhausted or banking activity is voluntarily terminated through written notice by the Sponsors with approval of the Corps and MBRT; and (2) it has been determined that the debited Bank Site has satisfied all the conditions herein and in the approved SDP.

## **11.0 - Permits:**

The Sponsors will obtain all documentation, permits, and other authorizations required to establish and maintain the LCUMB and Bank Sites. The LCUMBI or SDP addenda will not comprise or substitute for such authorizations.

## **12.0 - Financial Assurance Requirements:**

The Sponsors will provide financial assurance in a form and amount acceptable to the Corps and the MBRT for each Bank Site as part the individual SDP. The financial assurance will continue until the Bank credits have been exhausted and final monitoring has been completed, submitted, and approved by the MBRT.

## **13.0 - Real Estate Provisions:**

The Sponsors will provide for the perpetual protection and preservation of each Bank Site through restrictive covenants or conservation easements. These provisions will conform to the current USACE guidance with the language modified on a case-by-case basis to allow for road easements, road/bridge crossings, horse paths, hike/bike trails, and other educational activities associated with public projects

such as greenways. Each real estate instrument used must be approved by the MBRT.

**14.0 - Phasing:**

It is expected, though not required, that the Bank Sites, or portions thereof, may be developed in several phases, which will be set forth in the individual SDP. The scope and timing of each phase will be at the discretion of the Sponsors subject to MBRT approval. However, the area developed will not exceed the areas for which design has been approved by the MBRT, without risk to the Sponsors.

**15.0 - Use of Credits:**

The following types of projects may be eligible to use the LCUMB:

1. All activities regulated under Section 10 of the Rivers and Harbors Act, Section 404 of the Clean Water Act and/or the Virginia Water Protection Permit Regulations (9 VAC 25-210) located within the primary geographic service area of The LCUMB may be eligible to use the LCUMB as compensatory mitigation for unavoidable impacts;
2. Use of credits may only be authorized when adverse impacts are unavoidable; when onsite compensation is either not practicable or use of a Mitigation Bank is environmentally preferable to onsite compensation.
3. Credits may be used to compensate for environmental impacts under other programs (civil works, Superfund removal and remedial, supplemental environmental projects for state and Federal enforcement actions, etc.)
4. For projects in the primary GSA of the LCUMB that require authorization with a Nationwide Permit (NWP) under Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act, USACE State Program General Permit (SPGP), and/or a Virginia Water Protection Permit, and if said authorizations requires compensatory mitigation, credits from the LCUMB may be permitted to be used to satisfy these compensatory mitigation requirements if the Sponsors and the third party permittee reach a mutually acceptable financial agreement and subject to regulatory approval on a case by case basis.
5. For projects in the primary GSA of the LCUMB that require authorization with an Individual Permit (IP) under Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act and/or Virginia Water Protection Permit, the Corps and DEQ, in consultation with the other regulatory and resource agencies, will determine the eligibility of such projects to use the LCUMB on a case-by-case basis. Once the Corps and/or DEQ have determined that mitigation in the LCUMB is ecologically preferable to any on-site alternatives or that there are no practicable on-site alternatives, mitigation may be provided by the use of mitigation credits from the LCUMB as determined by the Corps and/or DEQ for each agency's respective permits if the Sponsors and the third party permittee reach a mutually acceptable financial agreement.

**16.0 - Decision-Making Authority for Use of the Bank:**

The Corps is responsible for making permit decisions pursuant to Section 10 of the River and Harbors

Act and Section 404 of the Clean Water Act, including determinations of compliance with the Corps permit regulations (33 CFR Parts 320-330) and Section 404 (b) (1) Guidelines (40 CFR Part 230). The DEQ has regulatory authority for wetlands and streams through Section 401 of the Clean Water Act and the State Water Control Law. The Corps and DEQ will determine the amount of compensatory mitigation required for each permit, and the equivalent number of credits necessary to meet mitigation requirements and whether any Bank Site implemented pursuant to the LCUMBI is acceptable for use. To the extent that the LCUMB may be authorized for use under other Federal, State, or local programs, the Corps and DEQ, in consultation with the affected regulatory entity, will determine the eligibility of projects to use the LCUMB on a case-by-case basis.

#### **17.0 - Crediting/Debiting and Accounting Procedures:**

The Sponsors will be responsible for accounting for credits and debits in the LCUMB. The Sponsors will use a separate ledger for each mitigation Bank Site. The accounting ledger shall be developed in consultation with the MBRT. The Sponsors and MBRT will follow the guidelines established by the Corps in the Federal Banking Guidance for accounting procedures.

Each credit for compensatory wetland mitigation will be comprised of acreage consistent with the terms of the LCUMBI or SDP addenda. Each credit for stream mitigation will be comprised of linear feet consistent with the terms of the LCUMBI or SDP addenda, unless modified in future guidelines established through mitigation guidance documents prepared by the permitting agencies. Areas that are available for stream restoration crediting will be considered separately from the area available for wetlands mitigation crediting. Applicants may purchase credits from the LCUMB to compensate for unavoidable wetland or stream impacts caused by projects authorized by the VDEQ and/or the U. S. Army Corps of Engineers when the permitting agency determines that compensatory mitigation is necessary or appropriate and that the LCUMB is appropriate for use.

#### **18.0 - Maintenance Provisions:**

The Sponsors agree to perform all necessary work to maintain each Bank Site consistent with the maintenance criteria established in the respective site-specific SDP.

#### **19.0 - Monitoring Reports:**

The Sponsors will submit to each member of the MBRT an annual report describing the condition of each Bank Site in relation to the success criteria outlined in the site-specific SDP, as well as relating the overall activity of the LCUMB.

#### **20.0 - Remedial Actions:**

In the event the Bank Site or a specific phase of a Bank Site fails to achieve the success criteria specified in the site-specific SDP, the Sponsors will develop necessary adaptive management plans and/or implement appropriate remedial actions for the Bank Site for that phase in coordination with the MBRT.



**Loudoun County Umbrella Mitigation Bank****Addendum 1: Pipken Stream Mitigation Bank Site****Prospectus and Concept Plan****Loudoun County, Virginia****Potomac River Watershed****Introduction**

As part of the Loudoun County Umbrella Mitigation Bank (LCUMB), Little Piney Run Estates, L.L.C. (hereinafter, "the Sponsor") proposes to establish the Pipken Stream Mitigation Bank Site (Bank Site) to provide compensation for unavoidable impacts to waters of the United States in the Potomac River drainage basin. The proposed Bank Site includes 124 acres along Piney Run in Loudoun County, Virginia.

The Bank Site shall be included in the overall LCUMBI. The LCUMBI will contain a SDP and include the specifications for construction, operation and maintenance of the Bank Site. The LCUMBI will include the stream credits derived from stream preservation, enhancement, and restoration, as depicted on the Master Plan (Exhibit A).

The LCUMBI and the development and operation of the Bank Site will be in accordance with the "Federal Guidance for the Establishment, Use and Operation of Mitigation Banks", published in Volume 60, Number 228 of the Federal Register, November 28, 1995, and referred to hereafter as Federal Banking Guidance.

**Site Description**

The proposed Bank Site is located within the Piney Run and Potomac River drainage basins in Loudoun County, Virginia (Figure 1-1). Harpers Ferry road (Route 671) bisects the Bank Site, which is comprised of four parcels (Figure 1-2). The Bank Site encompasses over 3 contiguous miles of Piney Run and its tributaries.

The proposed Bank Site contains approximately 124 acres, which includes 9.5 acres of existing wetlands and 17,257 linear feet of existing stream channels. The remainder of the site is a mix of mature hardwood forest and open fields.

Wetlands within the proposed Bank Site were delineated by WEG during January 2006 (Pipken Estates), May 2006 (Pipken Estates Additional Parcels), and November 2006 (Pipken Estates 17-acre Additional Parcel) using the Routine Determination Method, as outlined in the 1987 *Corps of Engineers Wetland Delineation Manual*. A jurisdictional confirmation for the Bank Site was received by correspondence dated April 24, 2006 (Pipken Estates) and September 11, 2006 (Pipken Estates Additional Parcels) (Appendix A). A jurisdictional confirmation is pending on the Pipken Estates 17-acre Additional Parcel.

The LOGIS soil survey mapping for Loudoun County, Virginia displays several soil types within the proposed Bank Site. Hydrologic classifications of the majority of mapped soil types are moderately well-drained to excessively-drained. The soil types include Brumbaugh cobbly silt loam, Cardiff Channery silt loam, Eubanks loam, Middleburg silt loam, Weverton very flaggy silt loam, Purcellville

and Tankerville soils, Tankerville and Philomont soils, and Stumpton-Rock outcrop complex. Comus silt loam, Airmont very flaggy loam, Cordorus silt loam, Mongle loam, Hatboro loam, and Scattersville silt loam also exist on the site and are moderately well-drained to poorly-drained. Hatboro loam is classified by the NRCS as hydric (i.e. poorly drained). Steep slopes with 25% percent or greater slopes are located mainly in association with Piney Run and consist of the Eubanks, Tankerville, and Purcellville soil series. The surface runoff for these areas is moderate to rapid and permeability ranges from moderate to moderately rapid. Areas of steep and moderately steep slopes also exist in the northwestern portion of the site, associated with the Cardiff Channery and Weverton soil series, and the Stumpton-Rock outcrop complex. The surface runoff for these areas ranges from slow to very rapid and permeability ranges from moderate to moderately rapid.

Virginia Department of Game and Inland Fisheries (VDGIF) database review indicates that four (4) rare wildlife species are known or suspected to occur within a 2-mile radius of the Bank Site (database accessed in March 2006). These include the wood turtle (*Clemmys insculpta*), the northern goshawk (*Accipiter gentilis*), the Allegheny woodrat (*Neotoma magister*), and the northern harrier (*Circus cyaneus*). Additionally, Piney Run is designated by the VDGIF database as "Threatened and Endangered Species Waters" where state-listed species may be present. Coordination with the U.S. Fish and Wildlife Service (FWS), VDGIF, and Virginia Department of Agriculture and Consumer Services (VDACS) is recommended prior to commencement of activities within potential habitat for federal- and state-listed species.

## Goals

The goal of the Bank Site is to establish a self-sustaining, functional aquatic system to replace the functional values of streams anticipated to be adversely affected within the authorized GSA.

## Geographic Service Area

The proposed GSA for the Bank Site shall be consistent with Section 62.1-44.15:5(B) of the Code of Virginia and in accordance with the Federal Banking Guidance. The GSA is defined as a designated area wherein the Bank Site can reasonably be expected to provide appropriate compensation for stream and wetland impacts within the same hydrologic cataloging unit ("Hydrologic Unit Map of the United States," USGS, 1980), or in an adjacent cataloging unit. For the purpose of this document, the proposed GSA includes the primary hydrologic unit 02070008 and the following adjoining hydrologic units: 02070007 and 02070010. This area includes all or portions of Frederick County, Warren County, Clarke County, Loudoun County, Fauquier County, Prince William County, Fairfax County, City of Manassas, City of Alexandria, and the City of Arlington in Virginia. The area also includes Washington D.C., and portions of Montgomery County and Prince George County in Maryland.

## Criteria For Use

Decisions concerning project applicability, relationship to mitigation requirements, use of a mitigation bank vs. on-site mitigation, in-kind vs. out-of-kind mitigation, and compensation ratio determinations will be made as part of permit decisions.

Decisions concerning credit withdrawal from the Bank Site will be made in accordance with the Federal Banking Guidance. In addition, the following general guidelines apply to the Bank Site. Availability of

credit will be based on the level of achievement of those Goals and Objectives contained in the LCUMBI approved by the MBRT.

Debits of available credit from the Bank Site will be based on the permit requirements of projects duly authorized. The permit requirement will normally reflect consideration of the value of the streams impacted along with the value of the compensation streams in the Bank Site. Standard ratios consistent with those used by the permitting agencies for stream mitigation will be applied at the time of application.

Limited use of the Bank Site for projects outside the GSA will be considered by the MBRT on a case by case basis.

The Bank Site will establish and maintain an accounting system (i.e., ledger) which documents credits and debits to the bank account. Each time an approved debit/credit transaction occurs, the Bank Site will submit a statement to the permitting agencies. The Bank Site will also generate an annual ledger report to be submitted to all members of the MBRT. The ledger will be available for inspection upon request by any participating agency.

### **Long-Term Monitoring and Maintenance**

Decisions concerning the operational life of the Bank Site, long-term monitoring/management, remedial actions, and financial assurances will be made in accordance with Federal Banking Guidance and approved by the MBRT.

Stream mitigation areas, which are part of this Bank Site and ultimately used as compensation, will be provided long-term protection in the form of a perpetual legal instrument that is agreeable to the MBRT.

### **Measures To Be Taken To Establish the Bank Site**

Development of the Bank Site will involve stream mitigation via stream and buffer restoration, enhancement, and preservation activities as depicted in the Master Plan (Exhibit A):

- Stream restoration is proposed on approximately 2,725 linear feet (LF) of Piney Run and an unnamed tributary. The proposed stream restoration area on Piney Run is adjacent to an open field and is characterized by bank sloughing and ineffective rooting depths. Stream restoration is also proposed on a channelized system, which flows adjacent to an open field and contains minimal instream habitat. Instream structures, bank stabilization, and channel relocation may be used to stabilize this area.
- Stream Enhancement Level I activities are proposed on approximately 985 LF of Piney Run and its unnamed tributaries. The proposed stream enhancement I areas are relatively stable, but lack a 100-foot forested buffer. Native riparian buffer plantings will be used to further stabilize the stream channel.
- Stream Enhancement Level II activities are proposed on approximately 5,049 LF of Piney Run. In general, these areas exhibit bank erosion on the outside bends, are altered by existing roads, and are degraded by sediment deposition. Bank stabilization and instream structures may be

used to enhance Piney Run; however, neither the pattern nor profile of the channel will be altered.

- Stream Preservation activities are proposed for 8,498 LF of Piney Run and its unnamed tributaries. The unnamed tributaries are predominantly high-gradient channels with a mature forested buffer. In general, the streams proposed for preservation have stable banks and demonstrate a variety of instream habitats. Piney Run, near the confluence with the northern property limit, is characterized by boulder and bedrock riffles, multiple canopy layers, and steep topography. The plan proposes preservation of this stream system in addition to an approximately 400-foot wide, forested riparian buffer.
- Habitat restoration and reintroduction of fish species historically native to Piney Run including eastern brook trout.
- Preservation and enhancement of wood turtle habitat.

The Bank Site may be developed in phases with subsequent phases developed in a manner similar to those approved by the MBRT.

**Loudoun County Umbrella Mitigation Bank**  
**Addendum 2: Daley Farm Stream Mitigation Bank Site**  
**Prospectus and Concept Plan**

**Loudoun County, Virginia**  
**Potomac River Watershed**

**Introduction**

As part of the Loudoun County Umbrella Mitigation Bank (LCUMB), Mr. Peter Daley (hereinafter, "the Sponsor") proposes to establish the Daley Farm Stream Mitigation Bank Site (Bank Site) to provide compensation for unavoidable impacts to waters of the United States in the Potomac River drainage basin. The proposed Bank Site encompasses stream mitigation on a 151-acre parcel situated along North Fork Catoctin Creek in Loudoun County, Virginia.

The Bank Site shall be included in the overall LCUMBI. The LCUMBI will contain a SDP and include the specifications for construction, operation and maintenance of the Bank Site. The LCUMBI will include the stream credits derived from stream preservation, enhancement, and restoration, as depicted on the Master Plan (Exhibit B).

The LCUMBI and the development and operation of the Bank Site will be in accordance with the "Federal Guidance for the Establishment, Use and Operation of Mitigation Banks", published in Volume 60, Number 228 of the Federal Register, November 28, 1995, and referred to hereafter as Federal Banking Guidance.

**Site Description**

The approximate 151-acre Bank Site is located within the North Fork Catoctin Creek drainage basin in Loudoun County, Virginia (Figure 2-1). The proposed Bank Site is situated southwest of the intersection of Route 9 and Route 287 and can be accessed from the eastbound lane of Route 9 via Daley Farm Road (Figure 2-2).

The proposed Bank Site contains approximately 2.17 acres of existing wetlands, 8,022 linear feet (3.92 acres) of existing stream channels. The remainder of the site is a mix of mature hardwood forest and open pasture.

Wetlands on the site were delineated by WEG during June 2006 using the Routine Determination Method, as outlined in the 1987 Corps of Engineers Wetland Delineation Manual. A jurisdictional confirmation by the U.S. Army Corps of Engineers was received by correspondence dated September 12, 2006 (Appendix B).

The 1960 Soil Survey of Loudoun County, Virginia, as prepared by the Natural Resources Conservation Service (NRCS), indicates that the site is underlain primarily by Brandywine loam and silt loam, Brandywine stony loam, Chester loam and silt loam, Chewacla silt loam, Elk loam, Wehadkee silt loam and Worsham silt loam. The Chewacla, Wehadkee, and Worsham soil series are classified by the NRCS as hydric in Virginia.

Virginia Department of Game and Inland Fisheries (VDGIF) database review indicates that one (1) rare wildlife species is known or suspected to occur within a two-mile radius of the project area (database accessed in August 2006). The barn owl (*Tyto alba pratincola*) is considered of state special concern, which is not a legal status. Coordination with the U.S. Fish and Wildlife Service (FWS), VDGIF, and Virginia Department of Agriculture and Consumer Services (VDACS) is recommended prior to commencement of activities within potential habitat for state-listed species.

## **Goals**

The goal of the Bank Site is to establish a self-sustaining, functional aquatic system to replace the functional values of streams anticipated to be adversely affected within the authorized GSA.

## **Geographic Service Area**

The proposed GSA for the Bank Site shall be consistent with Section 62.1-44.15:5(B) of the Code of Virginia and in accordance with the Federal Banking Guidance. The GSA is defined as a designated area wherein the Bank Site can reasonably be expected to provide appropriate compensation for stream and wetland impacts within the same hydrologic cataloging unit ("Hydrologic Unit Map of the United States," USGS, 1980), or in an adjacent cataloging unit. For the purpose of this document, the proposed GSA includes the primary hydrologic unit 02070008 and the following adjoining hydrologic units: 02070007 and 02070010. This area includes all or portions of Frederick County, Warren County, Clarke County, Loudoun County, Fauquier County, Prince William County, Fairfax County, City of Manassas, City of Alexandria, and the City of Arlington in Virginia. The area also includes Washington D.C., and portions of Montgomery County and Prince George County in Maryland.

## **Criteria For Use**

Decisions concerning project applicability, relationship to mitigation requirements, use of a mitigation bank vs. on-site mitigation, in-kind vs. out-of-kind mitigation, and compensation ratio determinations will be made as part of permit decisions.

Decisions concerning credit withdrawal from the Bank Site will be made in accordance with the Federal Banking Guidance. In addition, the following general guidelines apply to the Bank Site. Availability of credit will be based on the level of achievement of those Goals and Objectives contained in the LCUMBI approved by the MBRT.

The Bank Site will receive a linear foot of credit, per the approved compensation ratios, for each linear foot of the site that meets the performance criteria.

Debits of available credit from the Bank Site will be based on the permit requirements of projects duly authorized. The permit requirement will normally reflect consideration of the value of the streams impacted along with the value of the compensation streams in the Bank Site. Standard ratios consistent with those used by the permitting agencies for stream mitigation will be applied at the time of application.

Limited use of the bank for projects outside the GSA will be considered by the MBRT on a case by case basis.

The Bank Site will establish and maintain an accounting system (i.e., ledger) which documents credits and debits to the bank account. Each time an approved debit/credit transaction occurs, the Bank Site will submit a statement to the permitting agencies. The Bank Site will also generate an annual ledger report to be submitted to all members of the MBRT. The ledger will be available for inspection upon request by any participating agency.

### **Long-Term Monitoring and Maintenance**

Decisions concerning the operational life of the Bank Site, long-term monitoring/ management, remedial actions, and financial assurances will be made in accordance with Federal Banking Guidance and approved by the MBRT.

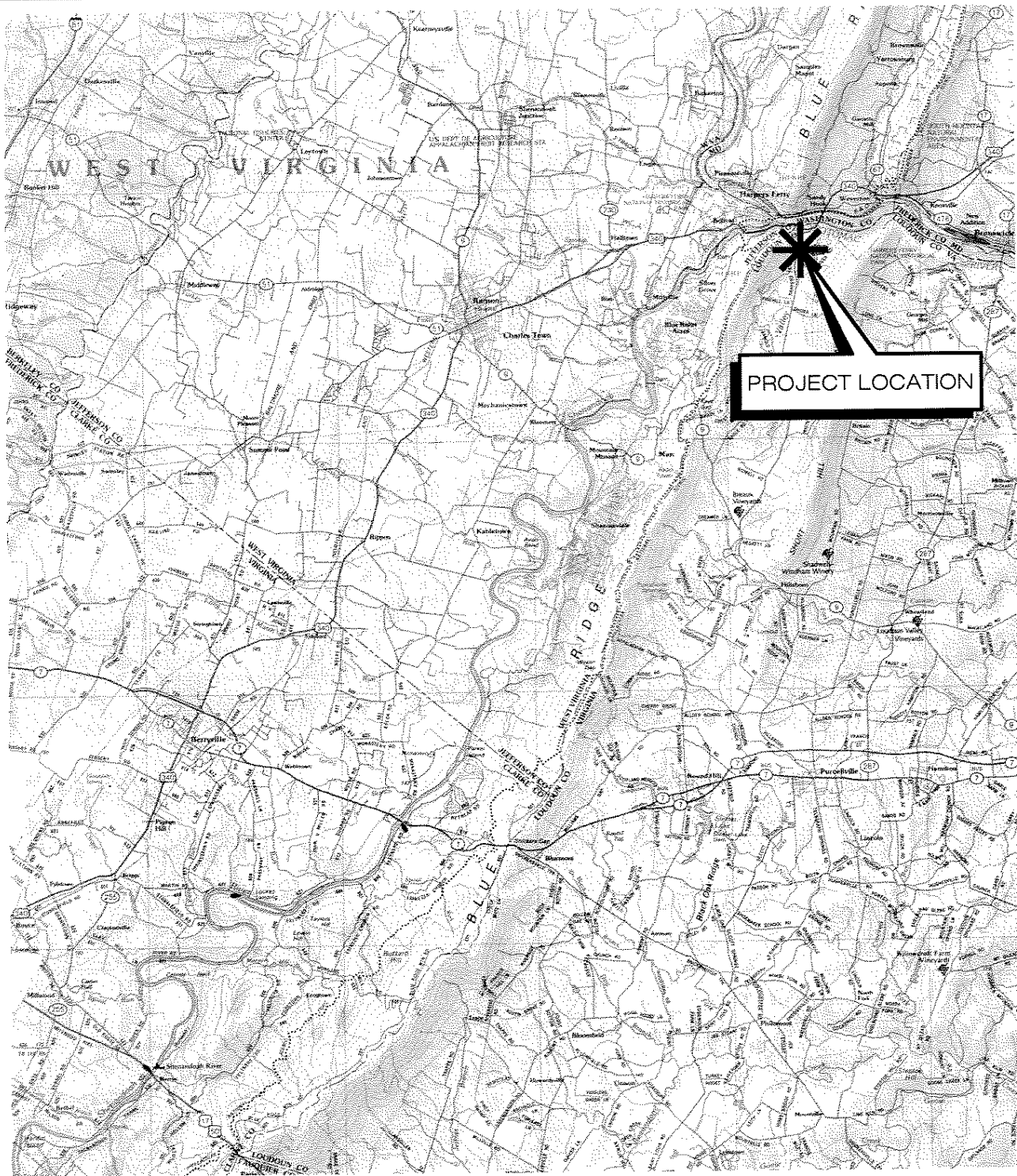
Stream mitigation areas, which are part of this Bank Site and ultimately used as compensation, will be provided long-term protection in the form of a perpetual legal instrument that is agreeable to the MBRT.

### **Measures To Be Taken To Establish The Bank Site**

Development of the Bank Site will involve stream mitigation via stream restoration and preservation activities as depicted in the Master Plan (Exhibit B):

- Stream restoration is proposed on approximately 6,530 linear feet (LF) of North Fork Catoctin Creek and an unnamed tributary. The proposed stream restoration areas are heavily eroded and unstable, primarily due to existing livestock, a lack of forested riparian buffer, and minimal vegetative bank protection. A combination of instream structures, bank stabilization, and channel relocation may be used to stabilize these areas. Variable width forested buffers up to 300-feet will be planted to provide additional stabilization and habitat to the Bank Site.
- Stream Enhancement Level I activities are proposed on approximately 1,694 LF of North Fork Catoctin Creek. The proposed stream enhancement areas are relatively stable, but lack a 100-foot forested buffer. A variable width buffer of native riparian plantings will be used to further stabilize the stream channel.

The Bank Site may be developed in phases with subsequent phases developed in a manner similar to those approved by the MBRT.



2.4 MILES 1.2 0 MILES 2.4 MILES

SCALE: 1 INCH = 2.4 MILES



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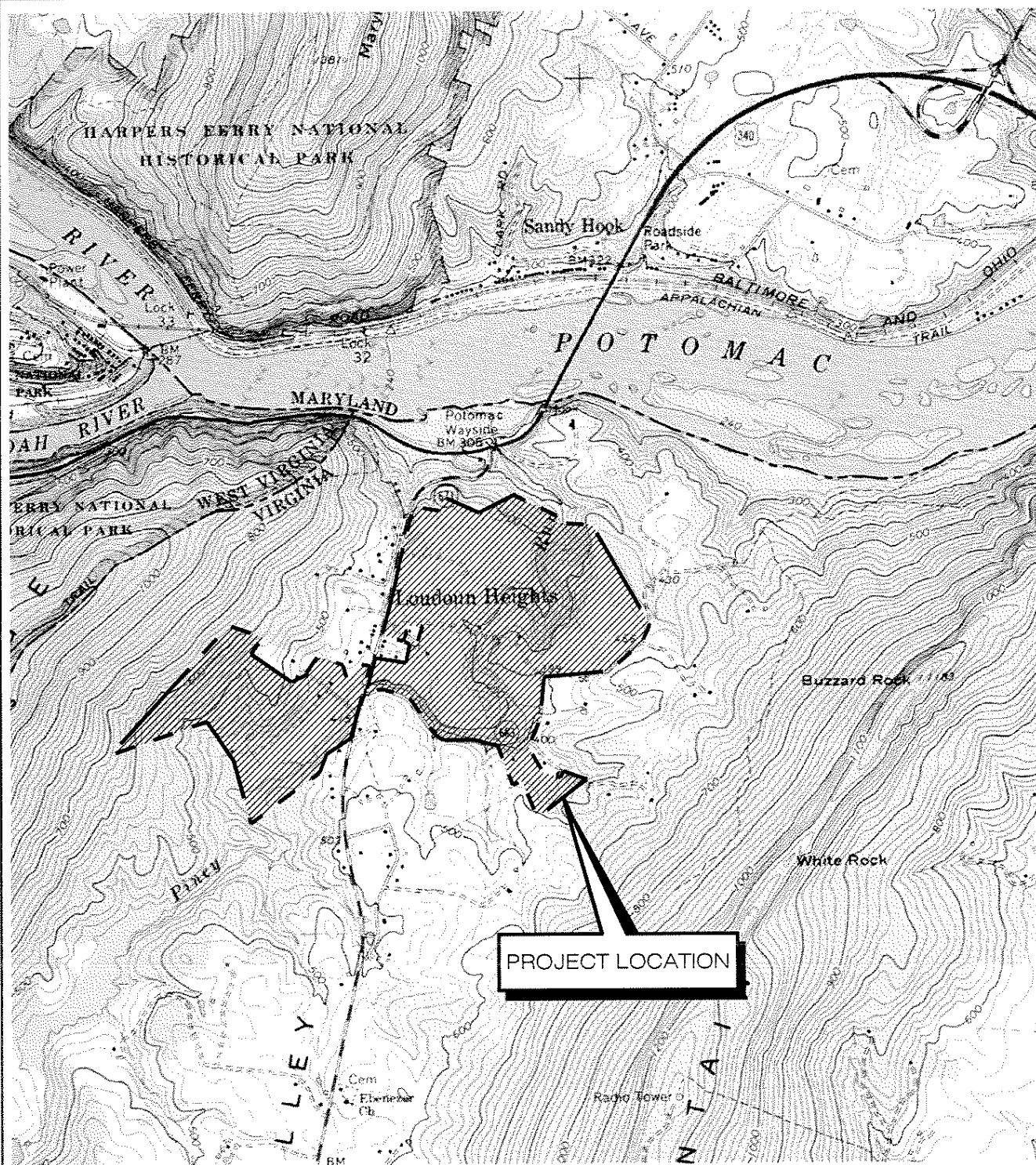
FIGURE 1-1  
**PROJECT VICINITY MAP**  
PIPKEN STREAM MITIGATION BANK

SOURCE: VIRGINIA ATLAS AND GAZETTEER,  
DeLORME MAPPING CO., 1995.

LOUDOUN CO., VA

JANUARY 2007





SCALE: 1 INCH = 2000 FEET

LATITUDE: 39°18'47.1"  
LONGITUDE: 77°42'43.9"

SOURCE: USGS 7.5 MINUTE SERIES TOPOGRAPHIC MAP,  
HARPERS FERRY, VA QUADRANGLE,  
1969 (REVISED 1988)

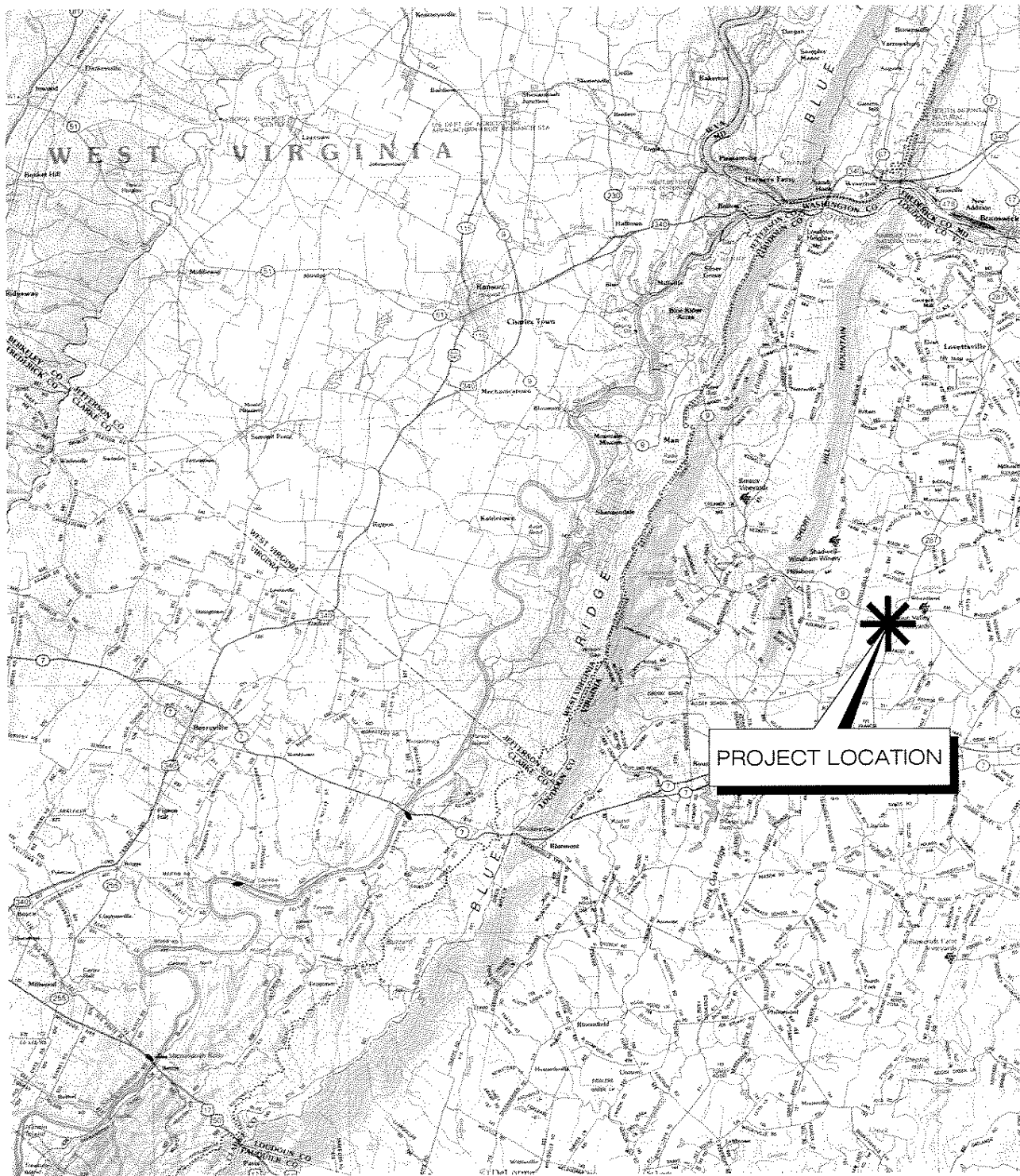


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FIGURE 1-2  
**PROJECT LOCATION MAP**  
PIPKEN STREAM MITIGATION BANK

LOUDOUN CO., VA

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2.4 MILES 1.2 0 MILES 2.4 MILES

SCALE: 1 INCH = 2.4 MILES



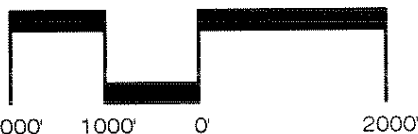
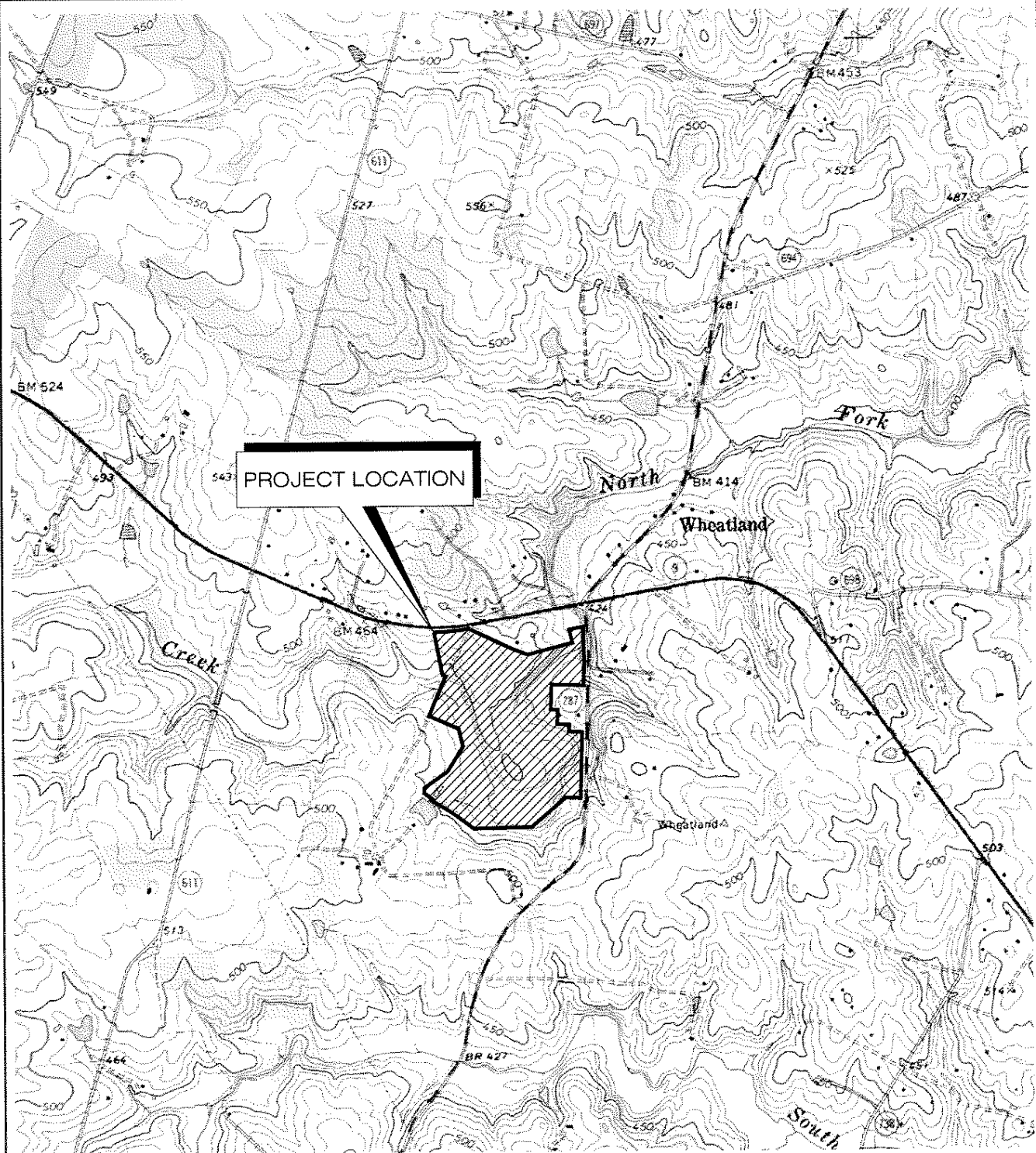
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FIGURE 2-1  
**PROJECT VICINITY MAP**  
DALEY FARM STREAM  
MITIGATION BANK

SOURCE: VIRGINIA ATLAS AND GAZETTEER,  
DeLORME MAPPING CO., 1995.

LOUDOUN CO., VA

JANUARY 2007



SCALE: 1 INCH = 2000 FEET

LATITUDE: 39° 11' 0.38"  
LONGITUDE: 77° 41' 2.04"

SOURCE: USGS 7.5 MINUTE SERIES TOPOGRAPHIC MAP,  
PURCELLVILLE, VA QUADRANGLE,  
1970 (REVISED 1984)



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FIGURE 2-2  
**PROJECT LOCATION MAP**  
DALEY FARM STREAM  
MITIGATION BANK

LOUDOUN CO., VA

JANUARY 2007